

AN ACT

relating to obsolete or redundant reporting requirements applicable to state agencies and to certain reports, communications, publications, and other documents involving the attorney general.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 61.0815, Education Code, is amended to read as follows:

(c) The ~~[attorney general and the]~~ president of each institution of higher education shall collect all necessary data for inclusion in the report required by this section.

SECTION 2. Subsection (a), Section 231.005, Family Code, is amended to read as follows:

(a) The Title IV-D agency shall report to the legislature each biennium on:

(1) the effectiveness of the agency's child support enforcement activity in reducing the state's public assistance obligations; and

(2) the use and effectiveness of all enforcement tools authorized by state or federal law or otherwise available to the agency~~[, and~~

~~[(3) the progress and impact of the Title IV-D agency's efforts to use private contractors to perform Title IV-D program functions].~~

SECTION 3. Section 41.002, Government Code, is amended to read as follows:

Sec. 41.002. NOTIFICATION OF ADDRESS. Each district and county attorney shall notify the ~~[attorney general and]~~ comptroller of his post office address as soon as practicable after his election and qualification.

SECTION 4. Chapter 2052, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS

Sec. 2052.401. DEFINITIONS. In this subchapter:

(1) "Executive director" means the executive head of a state agency. The term includes an executive director, commissioner, or executive commissioner as appropriate for the state agency.

(2) "State agency" means:

(A) a board, commission, department, office, or other agency in the executive branch of state government that was created by the constitution or a statute of the state, including an institution of higher education as defined by Section 61.003, Education Code;

(B) the legislature or a legislative agency; and

(C) the supreme court, the court of criminal appeals, a court of appeals, or a state judicial agency.

Sec. 2052.402. EXAMINATION OF REPORTING REQUIREMENTS. (a) Not later than August 1, 2012, the executive director of each state agency shall:

(1) examine the agency's reporting requirements

1 established by a state statute enacted before January 1, 2009, and
2 not amended since that date, and identify each reporting
3 requirement that the executive director determines:

4 (A) is not necessary to accomplish the objectives
5 of the statute that contains the reporting requirement;

6 (B) is redundant of other statutory reporting
7 requirements; or

8 (C) is required under statute to be provided at a
9 frequency for which data is not available; and

10 (2) provide to the governor, lieutenant governor,
11 speaker of the house of representatives, chair of the House
12 Committee on Government Efficiency and Reform, chair of the Senate
13 Committee on Government Organization, chair of each standing
14 committee of the senate and house of representatives with
15 jurisdiction over the agency, Texas State Library and Archives
16 Commission, and Legislative Budget Board an electronic report that
17 includes:

18 (A) each statutory reporting requirement for
19 which the executive director made a determination described by
20 Subdivision (1); and

21 (B) the justification for the executive
22 director's determination for each reporting requirement.

23 (b) The executive director may not include in the initial
24 report issued under Subsection (a)(2) a reporting requirement that
25 is required by federal law.

26 Sec. 2052.403. EXPIRATION. This subchapter expires
27 September 1, 2014.

SECTION 5. Section 325.011, Government Code, is amended to read as follows:

Sec. 325.011. CRITERIA FOR REVIEW. The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency or its advisory committees or for the performance of the functions of the agency or its advisory committees:

(1) the efficiency and effectiveness with which the agency or the advisory committee operates;

(2)(A) an identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address; and

(B) the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed;

(3)(A) an identification of any activities of the agency in addition to those granted by statute and of the authority for those activities; and

(B) the extent to which those activities are needed;

(4) an assessment of authority of the agency relating to fees, inspections, enforcement, and penalties;

(5) whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;

(6) the extent to which the jurisdiction of the agency

1 and the programs administered by the agency overlap or duplicate
2 those of other agencies, the extent to which the agency coordinates
3 with those agencies, and the extent to which the programs
4 administered by the agency can be consolidated with the programs of
5 other state agencies;

6 (7) the promptness and effectiveness with which the
7 agency addresses complaints concerning entities or other persons
8 affected by the agency, including an assessment of the agency's
9 administrative hearings process;

10 (8) an assessment of the agency's rulemaking process
11 and the extent to which the agency has encouraged participation by
12 the public in making its rules and decisions and the extent to which
13 the public participation has resulted in rules that benefit the
14 public;

15 (9) the extent to which the agency has complied with:

16 (A) federal and state laws and applicable rules
17 regarding equality of employment opportunity and the rights and
18 privacy of individuals; and

19 (B) state law and applicable rules of any state
20 agency regarding purchasing guidelines and programs for
21 historically underutilized businesses;

22 (10) the extent to which the agency issues and
23 enforces rules relating to potential conflicts of interest of its
24 employees;

25 (11) the extent to which the agency complies with
26 Chapters 551 and 552 and follows records management practices that
27 enable the agency to respond efficiently to requests for public

1 information; ~~and~~

2 (12) the effect of federal intervention or loss of
3 federal funds if the agency is abolished; and

4 (13) the extent to which the purpose and effectiveness
5 of reporting requirements imposed on the agency justifies the
6 continuation of the requirement.

7 SECTION 6. Subsection (a), Section 325.012, Government
8 Code, is amended to read as follows:

9 (a) In its report on a state agency, the commission shall:

10 (1) make recommendations on the abolition,
11 continuation, or reorganization of each affected state agency and
12 its advisory committees and on the need for the performance of the
13 functions of the agency and its advisory committees;

14 (2) make recommendations on the consolidation,
15 transfer, or reorganization of programs within state agencies not
16 under review when the programs duplicate functions performed in
17 agencies under review; ~~and~~

18 (3) make recommendations to improve the operations of
19 the agency, its policy body, and its advisory committees, including
20 management recommendations that do not require a change in the
21 agency's enabling statute; and

22 (4) make recommendations on the continuation or
23 abolition of each reporting requirement imposed on the agency by
24 law.

25 SECTION 7. Subsections (a) and (c), Section 242.005, Health
26 and Safety Code, are amended to read as follows:

27 (a) The department ~~[and the attorney general each]~~ shall

1 prepare annually a full report of the operation and administration
2 of the department's [~~their respective~~] responsibilities under this
3 chapter, including recommendations and suggestions considered
4 advisable.

5 (c) The department [~~and the attorney general~~] shall submit
6 the required report [~~reports~~] to the governor and the legislature
7 not later than October 1 of each year.

8 SECTION 8. Subsection (c), Section 247.050, Health and
9 Safety Code, is amended to read as follows:

10 (c) The department [~~and the attorney general~~] shall file a
11 copy of the quarterly reports required by this section with the
12 substantive committees of each house of the legislature with
13 jurisdiction over regulation of assisted living facilities.

14 SECTION 9. Subsection (b), Section 311.016, Tax Code, as
15 amended by Chapters 977 (H.B. 1820) and 1094 (H.B. 2120), Acts of
16 the 79th Legislature, Regular Session, 2005, is reenacted and
17 amended to read as follows:

18 (b) The municipality or county shall send a copy of a report
19 made under this section to[+]

20 [~~(1) the attorney general, and~~

21 [~~(2)~~] the comptroller.

22 SECTION 10. The following provisions are repealed:

23 (1) Subsection (e), Section 236.002, Family Code;

24 (2) Section 402.034, Government Code;

25 (3) Section 481.168, Government Code;

26 (4) Section 2107.005, Government Code;

27 (5) Subsection (b), Section 247.050, Health and Safety

1 Code;

2 (6) Section 240.903, Local Government Code; and

3 (7) Section 395.082, Local Government Code.

4 SECTION 11. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2011.

H.B. No. 1781

President of the Senate

Speaker of the House

I certify that H.B. No. 1781 was passed by the House on April 7, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1781 on May 27, 2011, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1781 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor